

**DEPARTMENT OF PUBLIC HEALTH  
AND HUMAN SERVICES**

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Subchapter 1

General Requirements

**37. 93. 101 CHILD PLACING AGENCY: DEFINITIONS** (1) "Child placing agency" (agency) means any corporation, partnership, association, firm, agency, institution or person who places or who arranges for the placement of any child with any family, person, or facility not related by blood or marriage, either for foster care or for adoption.

(a) "To arrange for placement" means to act as an intermediary by assisting a parent, guardian or legal custodian to place or plan to place a child with persons other than persons related to the child.

(2) "Department" means department of public health and human services.

(3) "Child" or "youth" means any person under the age of 18 years without regard to sex or emancipation.

(4) "Biological parent" or "birth parent" means the mother and father who conceived and gave birth to the child.

(5) "Agency youth foster home" means a youth foster home licensed by the department after being studied by a child placing agency other than the department. (History: Sec. 53-4-111 and 53-4-403, MCA; IMP, Sec. 53-4-113 and 53-4-403, MCA; NEW, 1985 MAR p. 278, Eff. 3/29/85; TRANS, from Dept. of SRS, 1987 MAR p. 1492, Eff. 7/1/87; TRANS, from DFS, 1998 MAR p. 661.)

Rules 02 through 04 reserved

**37. 93. 105 CHILD PLACING AGENCY: GOVERNING BODY** (1) The governing body shall be the corporation, partnership, association, firm, agency, institution or person in whom the ultimate authority and legal responsibility is vested for the conduct of the child placing agency.

(2) The governing body shall be identified by its legal name. If the governing body has a board of directors, the names of the officers of the board shall be given to the department prior to licensure.

(3) The governing body of the child placing agency shall:

(a) be responsible for the protection of the legal rights of children served by the agency;

(b) be responsible for approval of the budget, obtaining and disbursing the agency's funds;

(c) appoint an executive director who meets the requirements and certify that staff members responsible for placement of children and/or conducting a licensing study meet the requirements set forth in these rules. (History: Sec. 53-4-111 and 53-4-403, MCA; IMP, Sec. 53-4-113 and 53-4-403, MCA; NEW, 1985 MAR p. 278, Eff. 3/29/85; TRANS, from Dept. of SRS, 1987 MAR p. 1492, Eff. 7/1/87; TRANS, from DFS, 1998 MAR p. 661.)

Rules 06 through 09 reserved

37. 93. 110 CHILD PLACING AGENCY: PERSONNEL (1) Personnel policy. Each child placing agency must have a written personnel policy covering at least the following items: job qualifications, job descriptions, supervisory structure, salary schedules, fringe benefits, insurance, hours of work, and performance evaluations.

(2) Personnel records. Each child placing agency must maintain a personnel file for each employee. The personnel file must contain: application for employment, reports from references, record of in-service training or other training acquired after the date of hiring, and periodic performance evaluations for each employee.

(3) General personnel qualifications. All child placing agency personnel responsible for providing services to children and/or conducting a licensing study must meet the following general qualifications:

- (a) be at least 18 years of age;
- (b) be of good character;
- (c) be emotionally mature and stable;
- (d) like and understand children;
- (e) be in good mental and physical health;
- (f) understand the purpose of the agency and be willing to carry out its policies and programs;
- (g) have experience in working with children; and
- (h) meet any additional qualifications for the position established by these rules.

(4) Executive director. The agency must have an executive director who shall be responsible for the administration and management of the agency, including the supervision of the placement services provided to children.

(a) The executive director shall have demonstrated knowledge of and experience in the provision of child welfare services, including administrative and supervisory experience. (b) Any executive director appointed after the adoption of these rules shall have the following qualifications:

(i) a bachelors degree from an accredited college or university, with a minimum of 30 semester credits, or equivalent quarter credits, in social science courses;

(ii) at least 2 years' experience in an administrative or supervisory capacity;

(iii) three letters of recommendation from individuals unrelated to the applicant, one of whom should be a former employer or supervisor of the applicant, which describe the executive director's character, reliability, knowledge of child welfare services, and general ability to perform the tasks of the executive director as set forth in the job description for that position;

(iv) if the executive director is also to act as a placement supervisor, she/he must also meet the qualifications of a placement supervisor.

(5) Placement supervisor. The agency must have a placement supervisor who is responsible for supervising the selection, matching, placement of and provision of services to children.

(a) Any placement supervisor appointed after the adoption of these rules shall have the following qualifications:

(i) a masters degree in a behavioral or social science, with an emphasis in child development or family relations;

(ii) at least 2 years' experience of full time or equivalent part time employment in social work, with demonstrated experience in child placement; and

(iii) two letters of recommendation which describe the person's character, knowledge of child welfare services and child placement, and ability to perform the tasks of a placement supervisor as set forth in the person's job description.

(6) Social workers. The agency shall employ an adequate number of social workers to provide selection, matching, placement and supportive services to the children and families and to the youth care facilities utilized by the agency.

(a) The social worker(s) must meet the following qualifications:

(i) bachelor's degree from an accredited college or university in social work, social science or related field;

(ii) Persons employed as social workers who do not meet the qualifications for placement supervisor must be supervised by a person qualified to be a placement supervisor.

(7) Paraprofessionals and trainees. The agency may employ persons not qualified to act as social workers to assist the social worker, but such persons may not assume primary responsibility for providing placement-related services. Qualifications for such persons shall be contained in the job descriptions prepared by the agency for such persons.

(8) The child placing agency is responsible for assuring that no persons hired by the agency shall pose any potential threat to health, welfare and safety of the children placed. (History: Sec. 53-4-111 and 53-4-403, MCA; IMP, Sec. 53-4-113 and 53-4-403, MCA; NEW, 1985 MAR p. 278, Eff. 3/29/85; TRANS, from Dept. of SRS, 1987 MAR p. 1492, Eff. 7/1/87; TRANS, from DFS, 1998 MAR p. 661.)



Subchapter 2

License Requirements

37. 93. 201 CHILD PLACING AGENCY: LICENSE REQUIRED (1) No person shall maintain or operate a child placing agency without first securing a license in writing from the department. (History: Sec. 53-4-111 and 53-4-403, MCA; IMP, Sec. 53-4-113 and 53-4-403, MCA; NEW, 1985 MAR p. 278, Eff. 3/29/85; TRANS, from Dept. of SRS, 1987 MAR p. 1492, Eff. 7/1/87; TRANS, from DFS, 1998 MAR p. 661.)

Rule 02 reserved

37. 93. 203 CHILD PLACING AGENCY: LICENSES (1) One-year licenses. The department shall issue a 1-year license to any license applicant that meets all requirements established by these rules in this subchapter, as determined by the department after a licensing study.

(a) The department shall renew the license annually on the expiration date of the previous year's license if:

(i) the child placing agency makes written application for renewal at least 60 days prior to the expiration date of its current license; and

(ii) the child placing agency continues to meet all requirements established by these rules, as determined by the department after a relicensing study.

(2) A child placing agency may be licensed to conduct a licensing study for the licensing of agency youth foster homes, to place children in youth foster homes and/or in adoptive homes. The license shall specify those services which the child placing agency is licensed to provide.

(3) Licensing procedures. Application for a child placing agency license must be made on an application form provided by the department.

(a) Upon receipt of the application for license or renewal of license, the department shall, within 60 days, conduct a licensing study to determine if the applicant meets all applicable requirements for licensure established in these rules.

(b) If the department determines that an application or accompanying information is incomplete or erroneous, it will notify the applicant of the specific deficiencies or errors, and the applicant shall submit the required or corrected information

within 60 days. The department shall not issue or renew a license until it receives all required or corrected information.

(c) At the initial application the agency shall submit a written purpose and policy statement for the general operation and management of the agency. The statements shall include:

(i) statement of the purpose of the agency, the geographic area the agency expects to serve, the ages of children to be placed and any other specific factors regarding the children to be placed or the homes in which the children shall be placed;

(ii) a written placement policy, including parental agreement forms, and a description of the legal procedures which will be used to obtain the authority to place the child;

(iii) a written statement of the fees which will be charged for each type of service;

(iv) for child placing agencies conducting licensing studies, a description of how studies will be conducted and sample of the application and study report forms.

(4) At annual relicensing the agency shall submit a copy of its yearly budget and annual audit of expenditures. (History: Sec. 53-4-111 and 53-4-403, MCA; IMP, Sec. 53-4-113 and 53-4-403, MCA; NEW, 1985 MAR p. 278, Eff. 3/29/85; TRANS, from Dept. of SRS, 1987 MAR p. 1492, Eff. 7/1/87; TRANS, from DFS, 1998 MAR p. 661.)

37.93.204 CHILD PLACING AGENCY: LICENSE REVOCATION AND DENIAL (1) The department, after written notice to the applicant or licensee, may deny, suspend, restrict, revoke or reduce to a provisional status a license upon finding that:

(a) the agency is not in substantial compliance with licensing requirements established by these rules;

(b) the agency has made any misrepresentations to the department, either negligent or intentional, regarding any aspect of its operations or facility; or

(c) the agency or a member of its staff have been named as a perpetrator in a substantiated report of child abuse or neglect. (History: Sec. 53-4-111 and 53-4-403, MCA; IMP, Sec. 53-4-113 and 53-4-403, MCA; NEW, 1985 MAR p. 278, Eff. 3/29/85; TRANS, from Dept. of SRS, 1987 MAR p. 1492, Eff. 7/1/87; TRANS, from DFS, 1998 MAR p. 661.)

Rules 05 through 09 reserved

37. 93. 210 CHILD PLACING AGENCY, APPLICABLE HEARING PROCEDURES (1) Any person aggrieved by an adverse department action denying, revoking, suspending or restricting a license may request a hearing as provided in ARM 37. 5. 304, 37. 5. 305, 37. 5. 307, 37. 5. 310, 37. 5. 311, 37. 5. 313, 37. 5. 316, 37. 5. 318, 37. 5. 322, 37. 5. 325, 37. 5. 328, 37. 5. 331, 37. 5. 334 and 37. 5. 337. (History: Sec. 53-4-111 and 53-4-403(3), MCA; IMP, Sec. 53-4-113(4) and 53-4-403, MCA; NEW, 1985 MAR p. 278, Eff. 3/29/85; TRANS, from Dept. of SRS, 1987 MAR p. 1492, Eff. 7/1/87; TRANS & AMD, from DFS, 2000 MAR p. 1653, Eff. 6/30/00.)

Subchapters 3 and 4 reserved

Subchapter 5

Records

37. 93. 501 CHILD PLACING AGENCY: CONFIDENTIALITY OF RECORDS (1) All records maintained by an agency pertaining to an individual child are confidential and may not be disclosed to any person, agency or organization except as specified in 40-8-126, MCA, and 50-15-206, MCA.

(2) All records pertaining to individual children placed by the agency shall be made available at any time to the department's designated representatives. (History: Sec. 53-4-111 and 53-4-403, MCA; IMP, Sec. 53-4-113 and 53-4-403, MCA; NEW, 1985 MAR p. 278, Eff. 3/29/85; TRANS, from Dept. of SRS, 1987 MAR p. 1492, Eff. 7/1/87; TRANS, from DFS, 1998 MAR p. 661.)

Rules 02 through 04 reserved

37. 93. 505 CHILD PLACING AGENCY: ADOPTIVE CHILD'S RECORD

(1) The agency shall maintain individual records for each child placed in any adoptive home. The records shall be current to the date of adoption and shall contain the following if applicable:

(a) demographic information including the name, address, sex, race, birth date, and birth place of the child;

(b) the name, address, telephone number, and marital status of the parent(s) and guardian(s) of the child;

(c) the name, address, and telephone number of siblings if placed elsewhere and other significant relatives if available;

(d) copies of legal documents of importance to the child, such as birth record and any court dispositions;

(e) the medical history, cumulative health record, and available psychological and psychiatric reports;

(f) the social assessment and background of the family and parent(s);

(g) a summary which reflects the dates of contact, initial assessment, case plan, and content of the worker's visits;

(h) the circumstances leading to the decision to place a child, the agency's involvement with the parent(s), including services offered, delivered, or rejected;

(i) educational records and reports;

(j) summary of any administrative or outside service reviews on the progress of each child toward goal determination;

(k) summary of the child's contacts with family members; and

(l) a record of the child's placements with names of caregivers, addresses, and date of care.

(2) The agency shall insure that upon discharge, a child's record contains the following:

(a) a discharge summary showing services provided during care, the growth and accomplishments, assessed needs which remain to be met, and recommendations of the services needed to meet these goals;

(b) dates of discharge, reason for discharge, and the name, address, telephone number, and relationship of the person(s) or agency to whom the child was discharged; and

(c) discharge plans which specify the responsibility for follow-through. (History: Sec. 53-4-111 and 53-4-403, MCA; IMP, Sec. 53-4-113 and 53-4-403, MCA; NEW, 1985 MAR p. 278, Eff. 3/29/85; TRANS, from Dept. of SRS, 1987 MAR p. 1492, Eff. 7/1/87; TRANS, from DFS, 1998 MAR p. 661.)

Rules 06 through 09 reserved

37. 93. 510 CHILD PLACING AGENCY: BIRTH FAMILY RECORDS

(1) The agency shall maintain a record of the birth family of every child whom the agency places into care. Such records shall contain:

(a) demographic information including address, birth dates, race, religion, family composition, and interested others;

(b) the social history, including any psychological or psychiatric reports and medical histories;

(c) strengths and needs of the family and the services required;

(d) worker's assessment and initial case plan;

(e) signed agreements between the agency and family;

(f) summary of dates of contact and progress toward goals;

(g) case review reports;

(h) legal documents which grant the agency the legal authority to place the child for adoption; and

(i) discharge summary.

(2) The agency shall keep all records current and shall record the following events within 1 month of occurrence: intake study, case plan, case plan reviews, and major events in the lives of the child and family members. (History: Sec. 53-4-111 and 53-4-403, MCA; IMP, Sec. 53-4-113 and 53-4-403, MCA; NEW, 1985 MAR p. 278, Eff. 3/29/85; TRANS, from Dept. of SRS, 1987 MAR p. 1492, Eff. 7/1/87; TRANS, from DFS, 1998 MAR p. 661.)

37. 93. 511 CHILD PLACING AGENCY: ADOPTIVE STUDY RECORDS

(1) The agency shall keep separate records for each adoptive family which contain:

(a) the application;

(b) the adoptive assessment study;

(c) current medical records of the family;

(d) references from at least three sources;

(e) a copy of the information given to the parent(s) concerning child(ren) to be placed for adoption with them;

(f) all legal documents pertaining to the adoption; and

(g) summary containing the placement decision, preplacement and post-placement contacts with the family and the adoptive child.

(2) In the event a family was not accepted or did not have a child placed with them, the agency shall keep on file a narrative clearly indicating the reason and the manner in which the decision was presented to the family.

(3) If an agency ceases operation all agency records of children, birth families and adoptive families shall be forwarded to the department upon cessation. (History: Sec. 53-4-111 and 53-4-403, MCA; IMP, Sec. 53-4-113 and 53-4-403, MCA; NEW, 1985 MAR p. 278, Eff. 3/29/85; TRANS, from Dept. of SRS, 1987 MAR p. 1492, Eff. 7/1/87; TRANS, from DFS, 1998 MAR p. 661.)

Rules 12 through 14 reserved

**37. 93. 515 CHILD PLACING AGENCY: YOUTH FOSTER HOME RECORDS**

(1) The agency shall keep separate records for each agency youth foster home which shall contain:

(a) the application;

(b) the foster home licensing study;

(c) foster parent(s) CSD 33 Personal Statement of Health for Licensure;

(d) annual assessment of strengths and weaknesses of the foster family relative to the care of individual children placed with them;

(e) annual licensing compliance study and reports connected with it;

(f) history of the care given by the family, children placed, dates admitted and discharged from care; and

(g) a termination summary for homes which are closed containing the reasons for the closing.

(2) Copies of all of the above shall be provided to the department. (History: Sec. 53-4-111 and 53-4-403, MCA; IMP, Sec. 53-4-113 and 53-4-403, MCA; NEW, 1985 MAR p. 278, Eff. 3/29/85; TRANS, from Dept. of SRS, 1987 MAR p. 1492, Eff. 7/1/87; TRANS, from DFS, 1998 MAR p. 661.)

Subchapter 6 reserved



Subchapter 7

Placement Services

37. 93. 701 CHILD PLACING AGENCY: SERVICES TO FOSTER PARENT(S) (1) Orientation. The agency shall provide orientation to applicant(s) for an agency youth foster home license to acquaint them with the agency's policies and practices and the department's licensing rules.

(2) Agreement. The agency shall have a signed agreement with all foster parent(s) which includes the following:

(a) expectations and responsibilities of the agency, the staff, and the foster parent(s);

(b) the services to be provided;

(c) the financial arrangements for the children placed in the home;

(d) the authority the foster parent(s) can exercise for the children placed in their home;

(e) the actions which require agency staff authorization; and

(f) the legal responsibility for damage or risk resulting from children in their homes.

(3) Payments. The agency shall have a written statement as to the reimbursement rates paid to foster parent(s) for cost of care expenditures and/or fees for service.

(a) Reimbursement payments must be an amount sufficient to assure adequate care for the child in the youth foster home.

(b) Payment at the rate adopted by the department for youth foster care will be presumed to be an amount sufficient to assure adequate care.

(c) When homes are used which are not reimbursed, the agency shall include a written statement of the reasons why reimbursement is not necessary and a written statement assuring that the child can be adequately cared for without reimbursement as part of the written agreement between the agency and the foster home.

(History: Sec. 53-4-111 and 53-4-403, MCA; IMP, Sec. 53-4-113 and 53-4-403, MCA; NEW, 1985 MAR p. 278, Eff. 3/29/85; TRANS, from Dept. of SRS, 1987 MAR p. 1492, Eff. 7/1/87; TRANS, from DFS, 1998 MAR p. 661.)

Rules 02 through 04 reserved

37. 93. 705 CHILD PLACING AGENCY: THE PLACEMENT PROCESS In addition to an agency's responsibility to study and supervise the ongoing operation of its licensed agency youth foster homes, the agency shall comply with the following requirements applicable to the placement process:

- (1) Intake procedures and practices.
  - (a) The intake study shall be written and shall include:
    - (i) the identification of the specific needs of the child and family which warrant consideration of removal and placement of the child;
    - (ii) the family's strengths;
    - (iii) the involvement of the child's parent(s) and significant others in his/her care;
    - (iv) the available resources;
    - (v) the stated goals for the family;
    - (vi) available social and medical history of the child and all family members; and
    - (vii) the child's legal status, including parental agreement/court order.
  - (b) The agency shall keep a record of all requests for services, placements and the reasons for acceptance and denial of services.
- (2) Case plan.
  - (a) The agency shall develop a written case plan upon completion of the intake study and prior to placement. In cases of emergency placements, the assessment and case plan shall be initiated within 1 week and completed within 6 weeks of placement. The plan shall include, but not be limited to, the following:
    - (i) documentation of whether available social services to preserve and strengthen the family unit have been provided to the family and child and that all alternatives to placement and their consequences have been explored with them;
    - (ii) the reasons for the selection of the type of care and how it meets the child's and family's needs;
    - (iii) projected duration of care;
    - (iv) preplacement activities with child and family;
    - (v) specific initial case goals for the child and family;

- (vi) specific steps to accomplish goals;
- (vii) specific time schedule for goals;
- (viii) designation of responsibility for carrying out steps with the child, parent(s), foster parent(s), adoptive parent(s), and the court (when involved), including frequency of contacts;
- (ix) visiting plans between the child, parent(s), and siblings, if appropriate;
- (x) date of first review of progress; and
- (xi) description of the conditions under which the child shall be returned home or when termination of parental rights should be initiated.

(b) The agency shall include the parent(s), other significant persons, and the child (when appropriate to age and understanding) in the development of placement and case plans.

(c) The agency, prior to accepting a child for placement, shall secure from parent(s), guardian(s), or court, written authority to place the child and to obtain medical care.

(d) The agency shall help the parent(s) to understand the legal rights and obligations that they retain and those delegated to the agency by the court.

(3) Supervision and review of the case plan.

(a) The agency shall complete a review of the case plan at least every 6 months indicating progress toward goal achievement and changes made in the service plan.

(b) The agency shall include in the review an assessment of the child in care, the progress of the growth and development of the child, the relationships between the child and care givers, and the problems which may have occurred.

(c) The case review shall utilize either administrative staff or outside agency personnel to ascertain whether children are being served in a prompt, effective manner and the progress on permanent plans for each child.

(4) In the case of a temporary placement of a child prior to placement with the potential adoptive parents which will not exceed 7 consecutive days in duration, the requirements of (1) and (2) of this rule shall be waived. A study incorporating the applicable requirements of (1) and (2) shall be written within 7 days of termination of the temporary interim placement.

(5) Placement services to families and children.

(a) Services to biological parent(s):

(i) The agency shall make services accessible and available to parent(s) requesting them.

(ii) The agency shall help the family gain access to the services necessary to preserve and strengthen the family and to accomplish the case plan goals. While the child is in care, the agency shall assist parent(s) with the problems and needs that brought about the need for placement.

(iii) The agency shall make counseling available to expectant parent(s) considering placement before the child is born and immediately thereafter.

(iv) The agency shall encourage contacts between parent(s) and children after placement, in accordance with the case plan.

(v) The agency shall have a signed agreement with the parent(s) of the child in care which includes, but is not limited to, the expectations and responsibilities of the agency and the parent(s) for carrying out the steps to meet the case plan goals, the financial arrangements for the child in care, and visiting plans.

(b) Selection of care:

(i) The agency shall select the most appropriate form of care for the child consistent with the child's and family's needs for foster care or adoption.

(ii) In choosing such care, the agency shall provide for any specialized services the child may need and shall make every effort when placing to select the least restrictive and most appropriate setting closest to the child's home.

(iii) The agency shall involve the child's parent(s) in the selection of care to the maximum extent possible.

(iv) The agency shall only place the child(ren) in a licensed youth care facility.

(c) Preplacement preparation:

(i) The agency social worker for the child shall become acquainted with the child and biological family prior to placement, except when a child is placed on an emergency basis.

(ii) The agency social worker shall help the child understand the reasons for placement and prepare him/her for the new environment. The caseworker shall plan and participate in at least one preplacement visit (except when placing under emergency conditions) and shall be available for supportive services to the child, the birth parent(s), and the foster parent(s).

(iii) The agency shall obtain and record a developmental history for each child.

(d) Services during care:

(i) The agency shall supervise care of the child and shall coordinate the planning and services for the child and family as stated in the case plan.

(ii) The agency worker shall see a child as often as necessary to carry out the case plan. For children in foster homes, there shall be no less than two visits per month during the first 3 months of care and monthly visits thereafter. For children in youth group homes or child care agencies, there shall be no less than two visits during the first month of care and quarterly thereafter.

(iii) The agency worker or, by written agreement, the residential group care worker shall meet with the parent(s) and child together on a regular basis to assess and work on the following:

(A) progress in resolving problems which precipitated placement;

(B) parent and child relationship difficulties;

(C) adjustment to separation; and

(D) achievement of case plan goals.

(iv) The agency shall refer the parent(s) to other agencies in the community providing appropriate services when they require services which the agency does not offer. The agency shall maintain communication with the agency providing service when a cooperative effort has been arranged.

(v) The agency shall make provisions for specialized services and health care services as stated in the case plan.

(vi) The agency shall be available to give foster parent(s) assistance, consultation, and emotional support with situations and problems encountered in fostering children.

(e) Aftercare services:

(i) The agency shall make continuing supportive services available for children and families for at least 6 months following an adoption or a child's return to his/her family in order to strengthen and support new or renewed family functioning.

(ii) The agency shall offer supportive help and referral services to parent(s) who decide not to place their child after receiving agency services.

(f) Interstate placements. The agency shall send written notice to the administrator of the interstate compact on placement of children whenever an agency plans to place a child in another state or receives for placement a child from another state and shall comply with the requirements of 41-4-101, et seq., MCA, in making or receiving an interstate placement.

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(6) If the parents' rights have been legally terminated or the whereabouts of the child's parents is unknown or the child has no parents or guardians in the United States, the requirements set forth in this rule regarding the involvement of parents in the placement process do not apply. (History: Sec. 53-4-111 and 53-4-403, MCA; IMP, Sec. 53-4-113 and 53-4-403, MCA; NEW, 1985 MAR p. 278, Eff. 3/29/85; TRANS, from Dept. of SRS, 1987 MAR p. 1492, Eff. 7/1/87; TRANS, from DFS, 1998 MAR p. 661.)

Rules 06 and 07 reserved

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37. 93. 708 CHILD PLACING AGENCY: ADOPTIVE SERVICES In addition to the child placing agency licensing requirements, those agencies that place children for adoption must meet the following requirements:

(1) Adoptive home recruitment:

(a) Agencies serving Indian children shall actively recruit Indian homes and shall comply with the placement requirements contained in the Indian Child Welfare Act (42 USC 1901 et seq.).

(b) The agency shall provide information to prospective adoptive parent(s) about the adoption process:

(i) the agency's policies and practices, legal procedures and the approximate time the process will take, adoptive requirements, types of children placed, the fees, and the availability of subsidy.

(2) Adoptive home application:

(a) The agency shall have an application process that allows for notice to prospective adoptive parents of the status of their application.

(b) The agency may bill applicants for applications commensurate with professional application services rendered.

(3) Adoptive home study:

(a) The study process shall be a joint effort of the child placing agency and the applicant(s).

(b) The process shall be conducted by the social worker in a minimum of three meetings with the applicants, at least one meeting of which shall be in the applicant's home.

(c) Separate interviews shall be conducted with each member of the household.

(d) The agency shall study the following areas and shall record the information in the adoptive applicant(s) record:

(i) motivation for adoption;

(ii) strengths and weaknesses of each member of the household with regard to adoption of a child;

(iii) the attitudes and feelings of the family, extended family, and significant others involved with the family toward accepting adoptive children, and parenting children who are not born to them;

(iv) attitudes of the applicant(s) toward the birth parent(s) and the reason(s) the child is in need of adoption;

(v) the applicant's plan for discussing adoption with the child;

(vi) emotional stability and maturity of applicant(s);

- (vii) ability to cope with problems, stress, frustrations, crises, and loss;
  - (viii) capacity to give and receive affection;
  - (ix) child caring skills and willingness to acquire additional skills needed for the child's development;
  - (x) ability to provide for the child's physical and emotional needs;
  - (xi) adjustment of birth children or previously adopted children;
  - (xii) a report of a physical examination for members of the adoptive family living in the household which verifies that each person is free from communicable disease, specific illness, or disabilities which would interfere with the family's ability to parent a child;
  - (xiii) ability to provide financially for the child or children to be adopted with or without agency financial assistance through adoption subsidy;
  - (xiv) personal and community character references;
  - (xv) location and physical environment of the home;
  - (xvi) plan for child care if parent(s) work; and
  - (xvii) recommendations for adoption in regard to number, age, sex, characteristics, and special needs of children best served by the family.
- (4) Notification regarding denial:
- (a) When applicant(s) are not accepted, the agency shall notify the applicant(s) in writing within 10 days of the decision and share with them the reasons why a child cannot be placed in their home. The agency shall offer services to the applicant(s) to assist them to adjust to such a decision.
- (5) Services to adoptive parent(s):
- (a) The agency shall discuss the potential children with the adopting family.
- (b) The agency shall prepare the adoptive family for the placement of a particular child. Preparation shall include:
- (i) information about the needs, characteristics, and expectations of the child, of the child's family, and of the adopting family; and
  - (ii) review of medical histories of the child and of the child's family; and
  - (iii) visiting by the adoptive parents with the child prior to placement.



(c) The agency worker shall visit the adoptive family home within 6 months after the placement of a child, prior to the final decree. If the child is an infant (0-1 years old), the agency worker shall conduct at least one home visit. If the child is 1 year old or older, the agency worker shall conduct at least two home visits. Observations made during the visits shall be used in making recommendations for the finalization of the adoption.

(d) The agency shall make post-adoption services available to the adoptive parent(s), the birth parent(s), and the adoptee after the finalization of the adoption.

(6) Agencies must secure a court order terminating the parental rights of the birth parents and legal authority to place the child for adoption prior to adoptive placements. (History: Sec. 53-4-111 and 53-4-403, MCA; IMP, Sec. 53-4-113 and 53-4-403, MCA; NEW, 1985 MAR p. 278, Eff. 3/29/85; TRANS, from Dept. of SRS, 1987 MAR p. 1492, Eff. 7/1/87; TRANS, from DFS, 1998 MAR p. 661.)

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37. 93. 715 CHILD PLACING AGENCY: REPORTS (1) The agency shall agree to submit to the department, upon its request, any reports required by federal or state law or regulation.

(2) The agency shall report any of the following changes to the department prior to the effective date of the change:

- (a) a change of administrator;
- (b) a change in location;
- (c) a change in the name of the agency.

(3) At the application for relicensure the agency shall report to the department any significant changes in the organization, administration, purposes, programs, policies or services.

(4) As required by 41-3-201, MCA, the agency and each staff member shall report any incidents of known or suspected child abuse or neglect to the local county welfare office or the state child abuse hot line 1-800-332-6100.

(a) If no action is taken on the report, or if the above resources are not available at the time, reports shall be made to the department of public health and human services, family services district or state office.

(b) The agency shall inform each new employee, within the first 24 hours of employment, of the child abuse and neglect reporting statute and responsibilities of staff relative to this law. (History: Sec. 53-4-111 and 53-4-403, MCA; IMP, Sec. 53-4-113 and 53-4-403, MCA; NEW, 1985 MAR p. 278, Eff. 3/29/85; TRANS, from Dept. of SRS, 1987 MAR p. 1492, Eff. 7/1/87; TRANS, from DFS, 1998 MAR p. 661.)

37. 93. 716 CHILD PLACING AGENCY: CONDUCTING LICENSING STUDIES OF AGENCY FOSTER HOME (1) Licensed child placing agencies are authorized by these rules to conduct licensing studies of youth foster homes and to make recommendations to the department for approval or denial of the license consistent with the licensing requirements adopted by the department.

(a) The licensing requirements which are established by the department for youth foster homes must be met by any foster home being recommended by the child placing agency for licensure.

(b) Copies of the licensing rules for youth foster homes shall be supplied by the department to each child placing agency which shall provide copies to each youth foster home applicant.

(2) The agency shall provide information to prospective foster parent(s) about foster care, the agency's policies and practices, the licensing process including licensing requirements for foster homes, the children needing foster care, and the reimbursement rates.

(3) An agency youth foster home applicant shall complete an application form provided by the department.

(a) The department, in response to an application for a license, may request the agency to conduct a licensing study to determine compliance with the state licensing rules for youth foster homes.

(b) Only persons who meet the qualifications of social workers, placement supervisors or executive directors may conduct licensing studies.

(4) The agency shall conduct a youth foster home licensing study to determine the applicant(s) compliance with the state licensing rules for youth foster homes.

(a) The agency's foster home study shall also assess the following areas:

(i) the applicant's motivation for foster care;

(ii) strengths and weaknesses of each member of the household in providing foster care;

(iii) applicant's ability to provide for the child's physical and emotional needs;

(iv) adjustment of own children;

(v) recommendations for number, age, sex, characteristics, and special needs children best served by the family, and recommendations regarding children which would not be appropriate for the family;

(vi) any other factors which may affect the ability of the applicant to provide protection and supervision of a child placed in the home.

(b) The agency shall submit the written licensing study and recommendations to the department.

(c) The agency shall contact three personal and community references of the applicant(s) and shall investigate any incomplete, negative or questionable references.

(5) Agency recommendation for licensure.

(a) The agency shall submit a recommendation for licensing action to the department.

(b) The agency shall submit the licensing study to the department.

(c) The department is solely responsible for licensure.

(d) If the applicant(s) do not meet the requirements for licensure the department shall notify the applicant(s) in writing within 30 days of completing the licensing study.

(6) Agency youth foster home monitoring and annual licensing study.

(a) The agency shall monitor all licensed agency youth foster homes which were licensed after being studied by the agency for compliance with the department's youth foster home rules.

(b) The agency shall conduct annual relicensing studies of all licensed agency youth foster homes to determine continued compliance with the youth foster home rules and to make licensing renewal recommendations to the department. The annual relicensing studies shall include at least one home visit by the agency.

(7) Agency youth foster home complaints in licensed foster homes. When receiving a complaint which may indicate possible violations of the youth foster home rules, the agency shall:

(a) conduct an investigation to assess compliance with applicable rules;

(b) submit a written report of the investigation to the department with a statement on rule compliance and a recommendation regarding any licensing action which should be taken; and

(c) send a written report to the home stating findings, conclusions, and any anticipated action affecting the license.

(d) When a complaint is received regarding abuse or neglect of a child in care, the agency shall immediately notify the county's child protective services office which will conduct an investigation.

(8) Agency youth foster home recommendations to revoke, deny or suspend a license. The agency shall send the department a written assessment of rule compliance and any documents supporting the findings with any recommendation for revocation, denial or suspension of a youth foster home license. The department shall be solely responsible for revoking, denying or suspending agency youth foster home licenses.

(9) The department shall conduct periodic visits to agency youth foster homes for the purpose of inspecting the home and assuring continued compliance with the department's licensing standards. (History: Sec. 53-4-111 and 53-4-403, MCA; IMP, Sec. 53-4-113 and 53-4-403, MCA; NEW, 1985 MAR p. 278, Eff. 3/29/85; TRANS, from Dept. of SRS, 1987 MAR p. 1492, Eff. 7/1/87; TRANS, from DFS, 1998 MAR p. 661.)

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